

House Bill 1311

By: Representatives Gardner of the 57th, Wilkinson of the 52nd, Manning of the 32nd, Buckner of the 130th, and Orrock of the 58th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,
2 relating to general provisions concerning insurance, so as to provide that, if coverage is
3 provided for mental health treatment in insurance plans, policies, or contracts, the
4 out-of-pocket limits shall be the same and common as that provided for physical illness; to
5 provide that the annual and lifetime dollar limits for mental health treatment shall be the
6 same and common as that provided for physical illness in small group plans; to provide that
7 money paid by the insured from a health savings account for qualified medical expenses, as
8 recognized in Section 213(d) of the federal Internal Revenue Code, for treatment of mental
9 disorders shall be applied to the deductible under the high deductible health plan; to provide
10 for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
14 general provisions concerning insurance, is amended by striking subsection (e) of Code
15 Section 33-24-28.1, relating to coverage of treatment of mental disorders, and inserting in
16 lieu thereof new subsections (e) and (f) to read as follows:

17 "(e) Nothing in this Code section shall be construed to prohibit the inclusion of coverage
18 for the treatment of mental disorders that differs from the coverage provided in the same
19 insurance plan, policy, or contract for physical illnesses if the policyholder does not
20 purchase the optional coverage made available pursuant to this Code section, except that,
21 if any coverage for the treatment of mental disorders is included, the out-of-pocket limit
22 shall be the same and common as that provided by the insurance plan, policy, or contract
23 for physical illness.

24 (f) Money paid by the insured from a health savings account for qualified medical
25 expenses, as recognized in Section 213(d) of the federal Internal Revenue Code, for

1 treatment of mental disorders shall be applied to the deductible under the high deductible
2 health plan."

3 **SECTION 2.**

4 Said article is further amended by inserting a new subsection (h) in Code Section 33-24-29,
5 relating to coverage for treatment of mental disorders under accident and sickness insurance
6 benefit plans providing major medical benefits covering small groups, to read as follows:

7 "(h) Nothing in this Code section shall be construed to prohibit the inclusion of coverage
8 for the treatment of mental disorders that differs from the coverage provided in the same
9 insurance plan, policy, or contract for physical illness if the master policyholder does not
10 purchase the optional coverage made available pursuant to this Code section, except that,
11 if any coverage for the treatment of mental disorders is included, the out-of-pocket limit
12 and the annual and lifetime dollar limits shall be the same and common as that provided
13 by the insurance plan, policy, or contract for physical illness."

14 **SECTION 3.**

15 Said article is further amended by inserting a new subsection (g) in Code Section 33-24-29.1,
16 relating to coverage for mental disorders under accident and sickness insurance benefit plans
17 providing major medical benefits covering all groups except small groups, to read as follows:

18 "(g) Nothing in this Code section shall be construed to prohibit the inclusion of coverage
19 for the treatment of mental disorders that differs from the coverage provided in the same
20 insurance plan, policy, or contract for physical illness if the master policyholder does not
21 purchase the optional coverage made available pursuant to this Code section, except that,
22 if any coverage for the treatment of mental disorders is included, the out-of-pocket limit
23 shall be the same and common as that provided by the insurance plan, policy, or contract
24 for physical illness."

25 **SECTION 4.**

26 All laws and parts of laws in conflict with this Act are repealed.